
(2014) 05 PAT CK 0044

In the Patna High Court

Case No : Criminal Miscellaneous No. 19609 of 2014

Ram Kishun Thakur, Subhash Thakur and Prabhat Thakur

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 01-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)
Penal Code, 1860 (IPC) — Section 147, 148, 149, 307, 323

Citation : (2014) 05 PAT CK 0044

Hon'ble Judges : Jitendra Mohan Sharma, J

Bench : Single Bench

Judgement

Jitendra Mohan Sharma, J.—Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with a case registered for the offence punishable under sections 147, 148, 149, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

3. Allegedly, the petitioners along with others after forming unlawful assembly being armed with weapons went at the door of the informant and started abusing and on objection by the informant, as per order given by co-accused Ram Sewak Thakur, the petitioner Subhash Thakur assaulted the informant on her head with Khadiya causing cut injury. He also assaulted again with Khadiya which also hit on his head and when the informant fell down all the accused persons assaulted her with fists, slaps and Lathi, and due to arrival of nearby people the accused persons fled away. Further, there is allegation that the petitioner Prabhat Thakur snatched golden chain from her neck.

4. Learned counsel for the petitioners seeks pre arrest bail of the petitioners placing their innocence, false implication and submitting that the offences as alleged u/s 307 and 379 of the Indian Penal Code are super addition, the petitioners have got no criminal antecedent, and due to previous enmity they have been roped. The doctor has found two simple injuries one on the nose size

1" x 1/6" and other incise wound over frontal reason size 3/4" x 1/6" into skin deep only.

5. Learned Additional Public Prosecutor opposes the prayer for pre arrest bail of the petitioners by submitting that the petitioner Subhash Thakur has repeated the blow, and against the petitioner no. 3 namely Prabhat Thakur, there is allegation of snatching golden chain.

6. Considering the submission urged at the bar, going through the First Information Report, record and Annexure - 2 which is typed copy of injury report, it reveals that two incise wound one on the nose and other over frontal reason have been found by the doctor on the person of the informant which are simple, and as such, subject to condition to verify the injury report from the records by the court below, in the event of their arrest/surrender before the court below within four weeks, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari, in connection with Pipra P.S. Case No. 211 of 2013, subject to condition laid down u/s 438(2) of the Code of Criminal Procedure.

7. However, in case otherwise injuries are found this order relating to petitioner no. 2 Subhash Thakur shall be deemed to be rejected.